

REMARKS/ARGUMENTS

In response to the Final Office Action mailed February 24, 2011, Applicants propose to amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, claim 5 has been proposed to be amended, no claim has been cancelled without prejudice and no claims have been added so that claims 5, 6, 10-12 and 16 remain pending.

Claims 5 and 16 were rejected as being unpatentable over US Patent Application No. 2003/0088305 to Van Schie et al. (Van Schie) in view of US Patent No. 6,482,227 to Solovay (Solovay). Claims 6 and 11-12 were rejected as being unpatentable over Van Schie, Solovay and further in view of U.S. Patent No. 5,711,960 to Shikinami. Claim 10 was rejected as being unpatentable over Van Schie in view of Solovay and further in view of U.S. Patent No 5,476,507 to Wakabayashi et al. (Wakabayashi). These rejections are respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

Van Schie discloses a stent graft. The stent graft comprises a graft material tube and a number of self expanding stents. Stitches are utilized to attach the graft material to the stent. All other attachment devices are for attaching the delivery

device to the stent graft. The Examiner admits that the reference is silent as to the attachment means as claimed.

Solovay also discloses a stent graft. In presenting his arguments, the Examiner points to Figure 18. In the specification, Figures 18-20 illustrate a vascular support member (stent) including rail receiving coupling members. The stent graft includes a graft portion 100, a stent portion 20 with flexible elongated rails 50 to provide additional support. The rails are slidably received within rail receiving members 130 that extend from a surface of the support member 30. The receiving members 130 include an arm 137 with a groove 139.

Shikinami discloses an implant material which has a high mechanical strength and durability in these dimensions.

Wakabayashi discloses a vascular prosthesis with improved mechanical and biocompatible characteristics.

None of the references whether taken alone or in combination disclose or even remotely suggest the attachment device of the amended independent claim. Specifically, none of the references disclose or suggest a stent graft comprising one or more stent segments, each stent segment comprising a plurality of struts connected in a substantially zigzag pattern, wherein one or more struts in each stent segment comprises a reduced profile section, each of the stent segments having a gap therebetween; a biocompatible graft material affixed to the one or more stent segments, the graft material having indented sections in the regions of the gaps between the stent segments; and at least one attachment device for securing the biocompatible graft material to the one or more stent segments, the at least one attachment device comprising a deformable, partially tubular band having a slotted opening for accepting a portion of a strut and a portion of the biocompatible graft material, the deformable, partially tubular band having a substantially rectangular initial shape and being deformable to surround and conform to the shape of the strut and graft material at the reduced profile section, thereby slidably engaging the graft

material to the strut without puncturing either the graft material or the strut, the deformable, partially tubular band being configured to allow relative movement between the biocompatible graft material and the strut and configured to slidably secure the biocompatible graft material to the strut of the one or more stent segments.

None of the references disclose or suggest all of the elements of amended claim 5.

Solovay does not disclose or suggest a configuration that surrounds graft and strut as clearly shown in Figure 18. Solovay fails to disclose or suggest holding graft material, but rather to engage a rail via an arm and groove, wherein the arm does not surround.

Since the combination of references fail to disclose or suggest the claimed subject matter, there can be no obviousness rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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